

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 17-cr-20465

D-9 YOUSEF ALMATRAHI,

Hon. Denise Page Hood

Defendant.

**ORDER GRANTING GOVERNMENT’S MOTION
FOR ENTRY OF AMENDED JUDGMENT [ECF No. 734]**

On April 16, 2018, Defendant pleaded guilty to Count One of the Superseding Indictment. On December 9, 2021, the Court sentenced Defendant to 36 months in prison, and Judgment was entered on February 3, 2022. ECF No. 636.

The Government has filed a Motion for Entry of Amended Judgment (the “Motion”). ECF No. 734. The Government moves pursuant to Federal Rule of Criminal Procedure 36 to amend the Judgment insofar as the Judgment specifies the correct amount of restitution Defendant is to pay (\$1,359,512.69) but does not specify to whom restitution should be paid. ECF No. 636.

At Defendant’s sentencing hearing, the Court ordered that Defendant was to pay “jointly and severally with any other appropriate co-defendants the restitution

of . . . \$1,359,512.69 to the United States Department of Health and Human Services.” ECF No. 648, PageID.8904 (emphasis added). The Judgment, however, does not identify the United States Department of Health and Human Services as the victim.

The Court “may at any time correct a clerical error in a judgment . . . arising from oversight or omission.” F.R.Cr.P. 36. Having found that the Judgment suffers from the clerical error of not requiring that restitution be paid to the United States Department of Health and Human Services, as the Court ordered orally at sentencing, the Court grants the Motion. *See, e.g., United States v. Penson*, 526 F.3d 331 (6th Cir. 2008); F.R.Cr.P. 35(c) (“As used in the Rule . . . , ‘sentencing means the oral announcement of the sentence.’”).

Although Defendant has not filed a response to the Motion, the Court finds that: (1) Defendant did not object at the sentencing hearing to restitution being paid to the United States Department of Health and Human Services; and (2) a response is not necessary, as the Motion is based on a clerical issue.

Accordingly,

IT IS ORDERED that the Government’s Motion for Entry of Amended Judgment, ECF No. 734, is GRANTED.

IT IS FURTHER ORDERED that the Judgment shall be and hereby is AMENDED to specify at page 6:

The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

United States Department of Health and Human Services:
\$1,359,512.69.

IT IS FURTHER ORDERED that the Clerk of the Court shall enter promptly an AMENDED JUDGMENT consistent with this Order.

IT IS ORDERED.

Dated: December 8, 2022

s/Denise Page Hood

DENISE PAGE HOOD

UNITED STATES DISTRICT JUDGE